

PINNOCK & WAKEFIELD, A.P.C.

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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ROBERT MCCARTHY

Plaintiff,

v.

**HERITAGE INN EXPRESS HAYWARD;
HERITAGE INN, INC.; TUYEN HUY
NGUYEN d.b.a. PHO HOA HUNG II;
BERKELEY PROPERTIES COMPANY;
And DOES 1 THROUGH 10, Inclusive,**

Defendants.

Case No.: C07-3462 BZ

**STIPULATED DISMISSAL WITH
PREJUDICE OF ALL DEFENDANTS
AND PLAINTIFF'S COMPLAINT IN ITS
ENTIRETY.**

[Fed.R.Civ.P. Rule 41(a)(2)]

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1 **IT IS HEREBY STIPULATED** by and between **ROBERT MCCARTHY**, Plaintiff, on
2 the one hand, and Defendant **BERKELEY PROPERTIES COMPANY** on the other hand,
3 through their respective attorneys of record that, pursuant to Federal Rules of Civil Procedure,
4 Rule 41 (a)(1) and (2), this Court enter a dismissal with prejudice of all Defendants including but
5 not limited to Defendants **HERITAGE INN EXPRESS HAYWARD; HERITAGE INN,**
6 **INC.; TUYEN HUY NGUYEN d.b.a. PHO HOA HUNG II; BERKELEY PROPERTIES**
7 **COMPANY**, from Plaintiff's Complaint. Additionally, Plaintiff requests that Plaintiff's
8 complaint be dismissed with prejudice in its entirety.

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10 **IT IS SO STIPULATED.**

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12 Dated: December 3, 2007

PINNOCK & WAKEFIELD, A.P.C.

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14 By: /S/ David C. Wakefield
15 DAVID C. WAKEFIELD, ESQ.
16 Attorneys for Plaintiff

17 Dated: December 7, 2007

LAW OFFICES OF JEFFERI HAMILTON

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19 By: /S/ Jefferi Hamilton
20 JEFFERI JOAN HAMILTON, ESQ.
21 Attorney for Defendant BERKELEY PROPERTIES
22 COMPANY
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CERTIFICATE OF PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action; my business address is 3033 Fifth Avenue, Suite 410, San Diego, California, 92103.

On this date, I served the following document(s) described as **STIPULATED DISMISSAL WITH PREJUDICE OF ALL DEFENDANTS AND PLAINTIFFS' COMPLAINT IN ITS ENTIRETY** and **ORDER FOR DISMISSAL WITH PREJUDICE OF ALL DEFENDANTS AND PLAINTIFFS' COMPLAINT IN ITS ENTIRETY**.

on the following parties in this action by:

 X **BY ELECTRONIC SERVICE TRANSMISSION** via the United States District Court, Northern District of California, Case Management/Electronic Case Files, Filing System. I served a copy of the above listed document(s) to the e-mail addresses of the addressee(s) by use of email as identified and maintained therein.

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Attorneys for Defendants HERITAGE INN EXPRESS HAYWARD; HERITAGE INN, INC.;
TUYEN HUY NGUYEN d.b.a. PHO HOA HUNG II

 BY MAIL: placing the original a true copy thereof enclosed in sealed enveloped addressed as stated above. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid, mailed at San Diego, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

1 X **FEDERAL:** I declare that I am employed in the office
2 of a member of the Bar of this Court, at whose direction this
3 service was made.

4 **EXECUTED** on December 11, 2007, at San Diego, California.

5 /S/David C. Wakefield
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